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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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54414

7590

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EXAMINER

JAMA, ISAAK R

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,880	<b>Applicant(s)</b> OGREN, PER	
	<b>Examiner</b> ISAAK R. JAMA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Claims 1-12 are pending in this application.
2. Claims 1, 3, 8 and 12 are amended.
3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2005/0165795 (Myka et al.) in view of U. S. Patent Number 7,260,646 (Stefanik et al.) and further in view of U.S. Patent Number 6,832,242 (Keskar)

5. Regarding claim 1, Myka teaches a method for sharing at least one media file of a portable communication device with a set of electronic communication devices **[Figure 1, # 20 and #s 40A-40E, page 4, paragraphs 0037 & 0040 – Myka]**, comprising: detecting a setting by a user of the set of devices **[Page 4, paragraph 0041 – Myka]**; generating the at least one media file by the portable communication device **[Page 5, paragraph 0044 – Myka]**; providing information together with the media file,

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the meta information being information in relation to the electronic communication devices of the set **[Page 5, paragraph 0044 – Myka]**, which were located in the region of the portable communication device, at the time of the generation of the at least one media file **[Page 5, paragraph 0049 – Myka]**. In addition, Stefanik teaches a method of software distribution among hand held computers via file sharing with link references to a web site for complete software versions **[Title, Figure 5B, # 484 – Stefanik]**. But both Myka and Stefanik fail to teach that media file is a picture or that the media file is automatically shared. Keskar teaches a system and method for automatically sharing information between handheld devices **[Title]** whereby automatically sharing user-relevant information between handheld devices is initiated by a recipient **[Column 12, lines 42-43]**, and that the sharable items may, for example, include mail messages, non-executable files (word processing documents, spreadsheets, slides, pictures, etc.), executable files, web pages being browsed, contact information, and common data found on a palm-size PDA **[Column 9, lines 48-52]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the automatic sharing of information method of Keskar of method in the combined methods of Myka and Stefanik in order to allow users of handheld devices to automatically share user-relevant information between them.

3. Regarding claim 2, Myka further teaches a method wherein the region is within a radius from the portable communication device **[Page 5, paragraph 0045 – Myka]**.

4. Regarding claim 3, Myka further teaches a method for detecting a setting comprises detecting a pairing of the portable communication device with at least one

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electronic communication device of the set of devices, made under the control of the user **[Figure 7A, step 210; page 8, paragraph 0102 – Myka]**.

5. Regarding claim 4, Myka further teaches a method for detecting the pairing comprises initiating a connection between the portable communication device and the paired electronic communication devices **[Page 4, paragraph 0041 – Myka]**, and wherein the step of distributing further comprises distributing the media file over the initiated connection **[Page 5, paragraph 0051 and page 6, paragraph 00059 – Myka]**.

6. Regarding claim 5, Myka in view of Stefanik teach a method for distributing, at least a link **[Title, Figure 5B, # 484 – Stefanik]** further comprises distributing the media file to at least the electronic communication devices **[Page 4, paragraph 0037 – Myka]** that were located in the region of the portable communication device, at the time of the generation of said the at least one media file **[Page 5, paragraph 0049 – Myka]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the web link distribution method of Stefanik in the combined methods of Myka and Keskar in order to allow users to share media files.

7. Regarding claim 6, Myka further teaches a method in which the connection is a wireless connection **[Page 4, paragraph 0041 – Myka]**.

8. Regarding claim 7, Myka further teaches a method in which the connection is a Bluetooth Wireless Technology connection **[Page 6, paragraph 0059 – Myka]**.

9. Regarding claim 8, Myka teaches a portable communication device for sharing at least one media file with a set of electronic communication devices **[Figure 1, # 20 – Myka]** the portable communication device comprising: a media unit, configured to

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generate a media file **[Figure 2, # 28 – Myka]**, a control unit, connected to the media unit, configured to detect a setting of the set of electronic communication devices, by a user, to provide meta information together with the media file in relation to the electronic communication devices of the set, which were located in the region of the portable communication device, at the time of the generation of the at least one media file (Figure 2, # 22, pages 4 & 5, paragraph 0042; i.e. data processor that executes a bonding application that provides for the bonding of the digital devices – Myka). In addition, Stefanik teaches a method of software distribution among hand held computers via file sharing with link references to a web site for complete software versions **[Title, Figure 5B, # 484 – Stefanik]**. But both Myka and Stefanik fail to teach that media file is a picture or that the media file is automatically shared. Keskar teaches a system and method for automatically sharing information between handheld devices **[Title]** whereby automatically sharing user-relevant information between handheld devices is initiated by a recipient **[Column 12, lines 42-43]**, and that the sharable items may, for example, include mail messages, non-executable files (word processing documents, spreadsheets, slides, pictures, etc.), executable files, web pages being browsed, contact information, and common data found on a palm-size PDA **[Column 9, lines 48-52]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the automatic sharing of information method of Keskar of method in the combined methods of Myka and Stefanik in order to allow users of handheld devices to automatically share user-relevant information between them.

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10. Regarding claim 9, Myka further teaches that the wireless communication unit associated with the portable communication device is connected to the control unit **[page 5, paragraph 0042; i.e. data processor that executes a bonding application that provides for the bonding of the digital devices – Myka]**.

10. Regarding claim 10, Myka further teaches a portable communication device according to claim 8, wherein the wireless communication unit is a Bluetooth Wireless Technology unit **[Page 6, paragraph 0059 – Myka]**.

11. Regarding claim 11, Myka further teaches a portable communication device, according to claim 8, wherein the portable communication device is a mobile phone **[Figure 1, # 20, page 4, paragraph 0039 – Myka]**.

12. Regarding claim 12, Myka teaches a computer program product comprising a computer readable medium, having computer readable program code embodied therein, the computer readable program product comprising **[Page 11, paragraph 0135 – Myka]**: computer readable program code configured to detect a setting of a set of electronic communication devices computer readable program code configured to generate said the at least one media file by said the first portable communication device **[Claim 37 – Myka]**, computer readable program code configured to provide meta information together with the media file, the information being meta information in relation to the electronic communication devices of the set, which were located in the region of the portable communication device, at the time of the generation of the at least one media file **[Claim 41 – Myka]**. Myka further teaches the sharing of media file **[Paragraph 0039]** with other devices **[Figure 1, #s40A-40E; paragraph 0037]**. In

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addition, Stefanik teaches software distribution among hand held computers via file sharing with link references to a web site for complete software versions **[Title, Figure 5B, # 484 – Stefanik]**. But neither Myka nor Stefanik specifically teach that media file is a picture or that the media file is automatically shared. Keskar teaches a system and method for automatically sharing information between handheld devices **[Title]** whereby automatically sharing user-relevant information between handheld devices is initiated by a recipient **[Column 12, lines 42-43]**, and that the sharable items may, for example, include mail messages, non-executable files (word processing documents, spreadsheets, slides, pictures, etc.), executable files, web pages being browsed, contact information, and common data found on a palm-size PDA **[Column 9, lines 48-52]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the automatic sharing of information method of Keskar of method in the combined methods of Myka and Stefanik in order to allow users of handheld devices to automatically share user-relevant information between them.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617